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Sexual Harassment

A Definition, Summary of
Grievance Procedures, and
Guide to Professional
Behavior for the Instructor

Sexual harassment is a highly sensitive issue that has come to demand increased attention in recent years by everyone who lives, works and studies in an academic environment. The sexual harassment of students by their instructors is prohibited under federal and state law and is considered a form of sex discrimination under Title VII of the Civil Rights Act of 1964, Title IX of the 1972 Educational Amendments, and the Illinois Human Rights Act. In 1980 the University of Illinois approved its own policy on sexual harassment, which included a definition of sexual harassment and a statement of University policy and procedures for responding to complaints of harassment.

This brochure has been prepared by the Office of the Ombudsman to provide faculty members and other instructors with an overview of University policies and procedures regarding sexual harassment. It is also intended to be used as an informal guide for understanding and avoiding situations that may lead to allegations of sexual harassment. Included in the brochure is information on what you can do if such a complaint is ever made about you.

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What Is Sexual Harassment?

As defined in the *Code on Campus Affairs and Regulations Applying to All Students*, sexual harassment is "any unwanted sexual gesture, physical contact, or statement which a reasonable person would find offensive, humiliating, or an interference with his or her required tasks or career opportunities at the University."

The definition encompasses sexual conduct which creates a substantially hostile or demeaning environment and situations where a person in a position of power uses sex to control or affect another person's grade, job or career.

Although the University's definition of sexual harassment is fairly straightforward, it is still subject to interpretation. One person's definition of "humiliating" or "offensive" may differ significantly from another person's views. The following hypothetical situations are representative of those in which claims of sexual harassment have been made:

"I'm the only female student in my section. The professor always singles me out in class by making comments about how nice I look. Other times, I'm the subject of stereotyped jokes about women. Maybe he is trying to be friendly, but I feel angry and uncomfortable."

"After failing my midterm, I went to see my professor for help. She said I could pass the class if I came to her office once a week for assistance. I was so grateful until she began putting her arm around me, patting my shoulder and back during our sessions. I felt the conduct was inappropriate, but she was in a position to pass or fail me, and I had to pass that class. I felt that if I didn't put up with the attention, I would fail."

"I'm a graduate student, and working closely with my professor is critical to my success. We frequently discussed our work outside of class. Sometimes he talked about his personal life. I'd listen to him, although I didn't welcome or encourage his confiding in me. Then one day he told me he wanted to sleep with me. 'I can do much for your career,' he said. 'It's up to you, but I'm sure you'll know what to do. I'm a very influential man in this field.' The man is so well respected, I thought no one would believe me if I complained about his behavior."

How Does a Student File a Sexual Harassment Complaint?

Due to fears of humiliation or embarrassment, instances of sexual harassment may go unreported. But if a student does decide to pursue a solution to the problem, he or she usually seeks the advice of the Dean of Students or the Ombudsman. When a student comes to the office of the Dean of Students or the Ombudsman, he or she is asked to describe the experience or conduct in question. The goal of this meeting is to determine whether or not a case for sexual harassment actually exists. What a student may believe to be sexual harassment may, in fact, be an example of capricious grading or the concerned interaction of a teacher whose behavior has been misinterpreted. If sexual harassment is judged likely to be the problem, however, the student can pursue the matter either by making an informal complaint or by filing a formal grievance. The informal complaint procedure usually results in the resolution of the issue; it is by far the most widely used and encouraged method of dealing with such matters.

Informal Complaint Procedures

The Dean of Students or the Ombudsman and/or the instructor's supervisor arrange to meet with the student and the person who is the subject of the complaint. The objective of the meeting is to achieve a satisfactory resolution to the problem. In some cases, it will be determined that the student has misinterpreted the instructor's conduct; in others, the parties involved will receive assurance from the instructor that his or her improper conduct will cease. The procedure is designed to lead to a fair and prompt solution to most problems. If, however, a complaint cannot be resolved satisfactorily by this means, a student may file a formal grievance.

Formal Grievance Procedure

If a student wishes to pursue this avenue of complaint, he or she files the formal grievance with the instructor's supervisor, head of the department, or dean of the college. Following a review of the grievance, that person then renders a decision — either dismissing the complaint or taking disciplinary action against the instructor. At this point, either the student or the instructor may appeal the decision to a secondary tier of review. The appeal is usually directed to the dean of the college or to the appropriate vice chancellor, who may consult a standing committee or form an ad hoc committee to recommend a decision, and, if necessary, impose appropriate sanctions. For more complete details about formal grievance procedures, consult Section 63 of the Code.

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Other Questions Asked About Sexual Harassment

What if the second tier of review does not resolve the problem satisfactorily?

Either the student or the instructor may appeal the decision for final review by the Chancellor. After consultation with the Office of Affirmative Action, the Chancellor renders a final decision on behalf of the University. Usually, the Chancellor will review only the procedural nature of the earlier decision.

Are informal and formal procedures confidential?

Yes. All cases of sexual harassment are kept in confidential files. In general, an informal complaint tends to be more confidential because fewer parties are involved.

If dissatisfied with a decision, can a faculty member file an appeal?

Yes. If the faculty member is unhappy with the decision, he or she may file an appeal at the next highest administrative level as provided in the Procedures. For details, see Section 63 of the Code.

Can a man be sexually harassed?

Certainly. Although most cases of sexual harassment involve complaints made by women against men, sexual harassment of men also can occur.

What sanctions can be imposed against offenders?

Disciplinary sanctions vary widely and are imposed on a case-by-case basis. Light sanctions include a reprimand without record or a reprimand of record. The offender could be suspended indefinitely without pay or assigned to a different job or task. In very serious cases, the offender could lose his or her job.

How Can I Prevent a Charge of Sexual Harassment?

In most cases, common sense will usually be your best guide. In all cases, try to remember that your actions and comments may be subject to misinterpretation, and try to avoid situations where your behavior might be questioned. For instance, avoid using crude jokes or sexual innuendoes in your lectures or conferences. Also, realize that the best place to conduct academic conferences is usually in your office during appropriate office hours. Although some students would not feel uncomfortable meeting in restaurants or personal residencies, others may feel uneasy in such surroundings.

Another effective way to prevent charges of sexual harassment is to remember that male and

female students should be treated equally in all cases. Also, try not to single out a student or give that person special attention because of the sex of the student. Such behavior can put the individual in an awkward or uncomfortable position.

The most important thing to remember regarding sexual harassment is that your students welcome your professional advice and encouragement, and expect nothing more. Your best defense against a charge of sexual harassment is to make a conscious effort to use appropriate and professional conduct at all times.

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Please direct further questions or comments to:

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